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OFFICE OF PETITIONS

In re Application of :
Carmen Burns :
Application No. 09/761,210 : **ON PETITION**
Filed: January 16, 2001 :
Attorney Docket No. D-5531/C1/CP1/D1 :

This is a decision on the petition under 37 CFR 1.137(b), submitted by facsimile transmission on July 21, 2003, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed August 27, 2002, which set a shortened statutory period for reply of thirty (30) days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 28, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Therefore, the extension of time submitted with the petition on July 21, 2003 was subsequent to the maximum extendable period for reply and unnecessary.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry D. Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 3700, Art Unit 3729.

Cheryl Gibson-Baylor
Petitions Examiner
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Sherry D. Brinkley
Petitions Examiner